IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 211 of 2004

In

S.C.Suit No.178 of 1996

M/s Chhagan Mitha ..Plaintiff

V/s

Fakhruddin Qureshi ..Defendant

And

F.M.Land Developers Pvt.Ltd..Applicant

Mr.B.R.Dalla i/b V.V.Mishra for Applicant

A.Y.Bookwala i/b Ranjit & Co.for Defendant

CORAM:S.U.KAMDAR,J.

DATED: 8th February 2005

P.C.:-

. The present Chamber Summons is to add applicant as plaintiff no.2 in the Chamber Chamber Summons. The original plaintiff though served has not appeared and I was informed that original plaintiff has no objection for the same.

. The objection is raised by the Advocate for the defendant and contended that the suit will not be maintainable if the plaintiff no.2 is added as party to the present suit. At this

juncture I am not called to decide the aforesaid issue. In view of the fact that plaintiff has no objection if present Chamber Summons granted subject to the right of the defendant to raise the issue of maintainability of the suit at the trial of the suit. Chamber Summons disposed of accordingly. No order as to costs.

(S.U.KAMDAR,J.)